IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5732 OF 2005

Eknath Keshav Kandale & Ors ...Applicants

Versus

Mrs. Preeti Eknath Kandale & Anr ...Respondents

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Mr. Shekhar Ingawale, Advocate for Applicant

Mr.S.D.Patil, Advocate for Respondent No.1.

Mr. S.R. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 12TH SEPTEMBER, 2005

P. C.:-

1. Heard the learned advocate for the applicant i.e. original accused, the learned advocate for the respondent No.1 i.e. original complainant and the learned A.P.P. for the State.

2. The applicant No.1 is husband of respondent No.1 i.e. original complainant. The respondent No.1 filed complaint against all the applicants under Sections 498-A, 323, 406, 504 r.w. 34 of I.P.C. The applicants have prayed that the said complaint i.e. C.R. No. 70 of 2004 of Wagle Estate Police Station, be quashed.

3. It is stated that the dispute has been amicably settled between the parties and in the matrimonial proceedings, consent terms have been filed by applicant No.1 and the respondent No.1. On the last occasion the respondent No.1 i.e. original complainant as well as the applicant No.1 both were present before the Court. The complainant had stated that the dispute between the parties has been amicably settled and she has no grievance against any of the applicants. The complainant further stated that in view of these facts the complaint may be quashed. The complainant was granted time to file her affidavit. Accordingly, an affidavit of the complainant has been tendered before this Court. In the said affidavit, same facts as stated by the complainant has been mentioned. The said affidavit is taken on record and marked as "X" for identification.

4. The learned advocate for the complainant further states that they have relied on the statements made on behalf of the applicant No.1 that the amount of Rs.5,00,000/- (Rupees Five lakhs only) has been deposited before the Family Court at Pune as per the consent terms and hence, this statement has been made by the complainant.

5. Looking to the fact that the complainant does not

wish to pursue her complaint and in view of the above facts, I am of the opinion that no purpose would be achieved by continuing with the proceedings relating to C.R. No.70 of 2004. Hence, the C.R. NO.70 of 2004 of Wagle Estate Police Station, Thane and the proceedings relating thereto are quashed.

6. Criminal Application is disposed of in terms of the above order.

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